

1 **Jason K. Singleton, State Bar #166170**
 2 **Attorney at Law**
 3 **611 "L" Street, Suite A**
 4 **Arcata, CA 95501**
 5 **(707) 441-1177**

6 **Attorney for Plaintiff, JASON CLARE**

7
 8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**

10 **JASON CLARE,**

11 **Plaintiff,**

12 **v.**

13 **ST. SAN DIEGO, LLC, a California**
 14 **Limited Liability Company, dba**
 15 **MATTRESS DISCOUNTERS, WIN**
 16 **PROPERTIES, INC., a Connecticut**
 17 **corporation, and DOES ONE through**
 18 **FIFTY, inclusive,**

19 **Defendants.**

) **Case No. C-04-1685 PVT**

)
) **STIPULATION FOR FILING OF**
) **SECOND AMENDED COMPLAINT**
) **ADDING NEW DEFENDANTS AND**
) **FOR DISMISSING DEFENDANT WIN**
) **PROPERTIES, INC.**

20 IT IS HEREBY STIPULATED by and between the parties hereto through their
 21 respective attorneys of record that Plaintiff may file a Second Amended Complaint. The
 22 purpose of the Second Amended Complaint is to substitute new defendants WINVEN
 23 REALTY LLC and CALTAMP REALTY ASSOCIATES for present defendant WIN
 24 PROPERTIES, INC.

25 IT IS FURTHER STIPULATED and requested that the court dismiss without prejudice
 26 defendant WIN PROPERTIES, INC. from this action.

27 IT IS FURTHER STIPULATED that defendant ST. SAN DIEGO, LLC waives notice
 28 and service of the amended complaint and shall not be required to answer the amendment,
 and that all denials, responses and affirmative defenses contained in the answer filed by
 defendant ST. SAN DIEGO, LLC to the Complaint shall be responsive to the Second

1 the Second Amended Complaint.

2 4. New defendants WINVEN REALTY LLC, and CALTAMP REALTY
3 ASSOCIATES shall be served through their attorneys by U.S. mail of a Summons, Second
4 Amended Complaint, and other initial court pleadings upon receipt by Plaintiff of the filed
5 amended pleadings.

6
7 DATED: _____ JUDGE, UNITED STATES DISTRICT COURT

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28